

# Comparison Between Deferred Judgments, Delayed Sentences, and Traditional Sentences

Updated 5/30/13

Action	Deferred Judgment of Guilt <sup>1</sup>	Delayed Sentence <sup>2</sup>	Traditional Sentencing
<b>Pleads guilty or is found guilty</b>	Judgment of guilt not entered.	Judgment of guilt entered on underlying charge	Judgment of guilt entered.
<b>Supervision or sentencing options</b>	Defer further proceedings and place on probation. May place in drug or <b>veterans treatment</b> court if otherwise eligible.	May supervise under delay up to 1 year. The court shall enter an order stating the reason for the delay upon the court's records.	Proceed to sentencing. Court may place on traditional probation or in drug treatment court
<b>Monetary Assessments</b>	May assess a fine, costs, probation oversight, and restitution. Minimum State Cost required if any combination of fines, costs, and other assessments ordered. Crime Victim Assessment required as applicable to violation. Bond shall be applied to monetary sanctions.	May assess a fine, costs, probation oversight, and restitution. Minimum State Cost required if any combination of fines, costs, and other assessments ordered. Crime Victim Assessment required as applicable to violation. Bond shall be applied to monetary sanctions	May assess a fine, costs, probation oversight, and restitution. Minimum State Cost required if any combination of fines, costs, and other assessments ordered. Crime Victim Assessment required as applicable to violation. Bond shall be applied to monetary sanctions
<b>Caseload Reporting</b>	Report as Guilty Plea, Bench Verdict, or Jury Verdict	Report as Guilty Plea, Bench Verdict, or Jury Verdict.	Report as Guilty Plea, Bench Verdict, or Jury Verdict.
<b>MSP Criminal History Reporting</b>	Report deferred judgment of guilt.	Report judgment of guilt, including monetary assessments. Enter "sentence delayed until _____" in free-text area of the disposition report. Do not enter any adjudication on a notice of enhanced sentence. <sup>A</sup>	Report judgment of guilt, including monetary assessments. At sentencing, report judgment of sentence, including any disposition on any enhanced sentencing notice.
<b>SOS Abstract Reporting</b>	Report Minor in Possession as "deferred" if under MCL 436.1703, otherwise no reporting required.	Abstract reportable offenses pursuant to MCL 257.732.	Abstract reportable offenses pursuant to MCL 257.732.
<b>Court Record Status</b>	<b>Nonpublic at time of deferral/assignment except for veterans treatment court and licensed health care professional practicing under the influence. Those records become nonpublic after the successful completion of the program or the probationary period and the dismissal of the charge(s)</b>	Public (For drug court participants, the file is public, but record of participation in drug court is nonpublic.)	Public (For drug court participants, the file is public, but record of participation in drug court is nonpublic.)
<b>Supervision or Probation is Successfully Completed</b>			
<b>Court Action After Probation Period Ends</b>	Discharge from probation and dismiss.	Conviction on underlying charge remains. Court discharges defendant from probation.	Conviction remains. Court discharges defendant from probation.
<b>MSP Criminal History Reporting</b>	Report successful completion of probation and dismissal.	Report judgment of sentence. Include the final disposition on any enhanced sentencing notice.	None required.
<b>SOS Abstract Reporting</b>	Report dismissal if Minor in Possession	Abstract changes to reportable offenses	

<sup>A</sup> On a notice of enhanced sentence, the enhancement is not determined until sentencing. In many delayed sentence cases, the court may have approved a plea agreement that would provide for a reduction in the enhancement (e.g. a 3<sup>rd</sup> offense notice on a DWI reduced to a 2<sup>nd</sup> offense notice upon successful completion of probation).

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	under 436.1703, otherwise no reporting required.	pursuant to MCL 257.732.	None required
<b>Action</b>	<b>Deferred Judgment of Guilt</b>	<b>Delayed Sentence</b>	<b>Traditional Sentencing</b>
<b>Court Record Status</b>	Nonpublic at time of deferral/assignment except for veterans treatment court and licensed health care professional practicing under the influence. Those records become nonpublic after the successful completion of the program or the probationary period and the dismissal of the charge(s)	Public (For drug court participants the file is public, but record of participation in drug court is nonpublic.)	Public (For drug court participants, the file is public, but record of participation in drug court is nonpublic.)
<b>Supervision or probation is unsuccessfully terminated</b>			
<b>Court Action After Probation Period Ends</b>	Enter judgment of guilt. Discharge probation as unsuccessful and proceed to further sentencing at court's discretion	Proceed to sentencing.	Revoke probation and proceed to further sentencing at court's discretion
<b>MSP Criminal History Reporting</b>	Report judgment of guilt and sentence, including jail or prison time if applicable.	Report the sentence imposed, including jail or prison time when applicable or disposition on any enhanced sentencing notice.	Report any amended sentence, including jail or prison time imposed when applicable.
<b>SOS Abstract Reporting</b>	Report date judgment of guilt entered if a reportable offense pursuant to MCL 257.732.	Abstract changes to reportable offenses pursuant to MCL 257.732.	None required.
<b>Court Record Status</b>	Public (For drug court participants, the file is public, but record of participation in drug court is nonpublic.)	Public (For drug court participants, the file is public, but record of participation in drug court is nonpublic.)	Public (For drug court participants, the file is public, but record of participation in drug court is nonpublic.)

## Endnotes

<sup>1</sup> MCL 762.13, HYTA; MCL 333.7411, Controlled Substance; MCL 769.4a, Domestic Violence; MCL 750.350a, Parental Kidnapping; MCL 750.430, Health Professional Practicing Under Influence; MCL 436.1703, Minor in Possession of Alcohol; MCL 750.430, Licensed Health Care Professional Practicing under the Influence of Drugs or Alcohol. MCL 600.1076(6) Drug Treatment Court, MCL 600.1206(1)(i) and MCL 600.1209(6) Veterans Treatment Court

<sup>2</sup> MCL 771.1 "In an action in which the court may place the defendant on probation, the court may delay sentencing the defendant for not more than 1 year to give the defendant an opportunity to prove to the court his or her eligibility for probation or other leniency compatible with the ends of justice and the defendant's rehabilitation, such as participation in a drug treatment court under chapter 10A of the Revised Judicature Act of 1961, 1961 PA 236, MCL 600.1060 to 600.1082. When sentencing is delayed, the court shall enter an order stating the reason for the delay upon the court's records. The delay in passing sentence does not deprive the court of jurisdiction to sentence the defendant at any time during the period of delay."